

**AN ORDINANCE FOR FIRST READING AWARDING A FRANCHISE TO OPERATE A TAXICAB SERVICE IN THE CITY OF AUSTIN FOR FIVE YEARS, AND WAIVING THE REQUIREMENTS OF SECTION 13-2-309(B) OF THE CITY CODE RELATING TO THE MAXIMUM NUMBER OF PERMITS THAT MAY BE ALLOCATED**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN**

**PART 1 WAIVER**

The city council waives Section 13-2-309(B) (*Granting of Taxicab Franchise Under Certain Circumstances*) of the City Code, which limits the maximum number of permits that may be allocated to a franchise holder to 50

**PART 2 FRANCHISE GRANT**

The city council awards a franchise to operate a taxicab business on the streets, alleys, and public ways in the City of Austin to \_\_\_\_\_ (“franchise holder”) for a five-year period

**PART 3 FLEET SIZE**

The franchise holder shall maintain an active fleet of at least 25 and not more than 55 taxicabs. This taxicab allocation may be amended during the franchise period.

**PART 4 COMPLIANCE WITH CITY CODE**

The franchise holder shall comply with the provisions of the City Code relating to ground transportation services and all amendments to those provisions during the franchise period.

**PART 5 MAINTENANCE OF RECORDS**

The franchise holder shall maintain complete records of all dispatched calls, all expenses incurred in connection with the operation of the taxicab service business, and all revenues derived from the taxicab business.

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2 **PART 6 INSPECTION OF RECORDS**

3 The franchise holder shall permit the Public Works Department to inspect all  
4 records of this franchise in accordance with Section 13-2-306(D) (*Recordkeeping*  
5 *Requirements*) of the City Code

6 **PART 7 TAXICAB OWNERSHIP, LEASE, OR CONTROL**

7 The franchise holder shall own, lease, or contract for control of each taxicab used  
8 in the taxicab franchise

9 **PART 8 ANNUAL FRANCHISE PERMIT FEE**

10 The franchise holder shall pay an annual franchise permit fee of \$400 for each  
11 vehicle authorized in this franchise to the City of Austin at the office of the Director of  
12 the Public Works Department This fee may be amended by the city council during the  
13 franchise period

14 **PART 9 SUSPENSION**

- 15 (A) The city manager may suspend this franchise upon a determination that the  
16 franchise holder has
- 17 (1) substantially breached the terms of this franchise
  - 18 (2) failed to comply with the provisions of the City Code relating to ground  
19 transportation services, as amended,
  - 20 (3) become delinquent in the payment of any fees or charges required by  
21 law in connection, directly or indirectly, with the operation of the  
22 franchise holder's taxicab business,
  - 23 (4) failed to comply with a correction order issued to the franchise holder  
24 within the time specified in the order, or
  - 25 (5) intentionally or knowingly impeded the city manager or a law  
26 enforcement agency in the performance of their duties
- 27 (B) If the city manager suspends this franchise, the franchise holder may submit a  
28 written request to the city manager requesting reinstatement of the franchise,  
29 stating the grounds supporting a reinstatement After receipt of a request for  
30 reinstatement, the city manager shall inspect the suspended franchise holder's  
31 operation to determine whether the franchise holder has corrected the

1 deficiency that is the basis of the suspension. The city manager may approve  
2 or deny reinstatement after the inspection.

- 3 (C) If the city manager denies reinstatement of the franchise, the franchise holder  
4 may file an appeal of the city manager's decision with the city clerk not later  
5 than the 14<sup>th</sup> day after notice of the denial. The city clerk shall place the  
6 appeal on the next city council agenda.

## 7 **PART 10 FORFEITURE**

8 (A) The franchise is subject to forfeiture if

- 9 (1) the franchise holder is convicted of a violation of a provision of the City  
10 Code relating to ground transportation services during the period of the  
11 taxicab franchise,  
12 (2) the franchise holder substantially breaches the terms of this franchise, or  
13 (3) the franchise holder fails to pay an outstanding final judgment against  
14 the franchise holder that arises out of circumstances related to ground  
15 transportation service.

16 (B) On receipt of a report from the city manager that probable cause exists for the  
17 cancellation and forfeiture of the franchise, the city council shall hold a  
18 hearing, after a 30-day notice to the franchise holder, to determine if cause  
19 exists to cancel the franchise. If the city council finds at the hearing that cause  
20 exists to cancel the franchise, it may cancel the franchise after the hearing.

## 21 **PART 11 FRANCHISE CONDITIONS**

22 The franchise holder shall, no later than the (10<sup>th</sup> day before the effective date of  
23 this ordinance), provide the following to the Public Works Department:

- 24 (A) proof of insurance as required by Section 13-2-34 (*Insurance Required*) of the  
25 City Code,  
26 (B) demonstration of ability to receive calls for service at franchise holder's  
27 dispatch facility,  
28 (C) demonstration of ability to dispatch calls and communicate with franchise  
29 holder's taxicabs at franchise holder's dispatch facility, and  
30 (D) demonstration that each authorized franchise permit is assigned to a vehicle  
meeting the standards described in Chapter 13-2, Article 3, Division 5  
(*Vehicles and Equipment*) of the City Code.

1 **PART 12 FRANCHISE ACCEPTANCE**

2 The franchise holder shall file its written acceptance of the terms of this ordinance  
3 with the city clerk not later than the (60<sup>th</sup> day after the city council's adoption of this  
4 ordinance)

5 **PART 13 EFFECTIVE DATE**

6 This ordinance becomes effective on the (61<sup>st</sup> day after the city council's adoption  
7 of this ordinance), unless the franchise holder fails to meet all requirements in Part 11  
8 (*Franchise Conditions*) or fails to file its written acceptance of this ordinance as required  
9 by Part 12 (*Franchise Acceptance*) If the franchise holder fails to meet the requirements  
10 or fails to file the written acceptance, this ordinance is void

11 **PASSED AND APPROVED**

12  
13 §  
14 §  
15 \_\_\_\_\_, 2007 § \_\_\_\_\_  
16 Will Wynn  
17 Mayor

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20 **APPROVED** \_\_\_\_\_  
21 David Allan Smith  
22 City Attorney

23 **ATTEST** \_\_\_\_\_  
24 Shirley A Gentry  
25 City Clerk